

LATHAM & WATKINS^{LLP}

April 19, 2018

VIA EMAIL

Board of Forestry and Fire Protection
Attn: J. Keith Gilles, Chair
1416 9th Street, Room 1506-14
Sacramento, California 95814

Professional Foresters Examining Committee
Attn: Otto van Emmerik, Chair
1416 9th Street, Room 1506-16
Sacramento, California 95814

Re: *Authority to Consider Good Moral Character Under Professional Foresters Law, Public Resources Code §§ 750 et seq.*

To the Members of the Board of Forestry and Fire Protection and the Professional Foresters Examining Committee:

I am writing on behalf of my client, Rancho Guejito Corporation, regarding the Board of Forestry and Fire Protection's ("Board") and the Professional Foresters Examining Committee's ("PFEC") authority to consider requirements for good moral character under the Professional Foresters Law. The issue has arisen in the context of proceedings involving Rancho Guejito's petition for rulemaking regarding updated regulations for Certified Rangeland Managers ("CRM"), dated October 16, 2017, which the Board accepted and heard on December 6, 2017. Since that time, Rancho Guejito has been actively engaged in the consideration of updated CRM regulations before the PFEC.

The purpose of this letter memorandum is to provide the Board and PFEC with additional information to facilitate the Board's and PFEC's deliberations in these rulemaking proceedings, in light of questions and feedback that have arisen before the PFEC and the Range Management Advisory Committee since the Board last heard this matter in December 2017. We hope that the Board and PFEC will find this information helpful in their respective deliberations in this matter.

12670 High Bluff Drive
San Diego, California 92130
Tel: +1.858.523.5400 Fax: +1.858.523.5450
www.lw.com

FIRM / AFFILIATE OFFICES

Beijing	Moscow
Boston	Munich
Brussels	New York
Century City	Orange County
Chicago	Paris
Dubai	Riyadh
Düsseldorf	Rome
Frankfurt	San Diego
Hamburg	San Francisco
Hong Kong	Seoul
Houston	Shanghai
London	Silicon Valley
Los Angeles	Singapore
Madrid	Tokyo
Milan	Washington, D.C.

I. REGULATIONS IMPLEMENTING THE PROFESSIONAL FORESTERS LAW SHOULD BE UPDATED TO CLARIFY THE REQUIREMENT FOR GOOD MORAL CHARACTER AND TO PROVIDE BETTER OVERSIGHT OF THE CRM PROGRAM.

The factual background regarding these issues have been presented to the Board and PFEC on numerous occasions. However, the factual background is critical to understanding the need for the proposed regulations, and therefore a summary of the factual background is presented here in order to provide the appropriate context for this memorandum.

As set forth in Rancho Guejito's October 16, 2017 petition for rulemaking, the stated purpose of the CRM licensing program is to "[e]stablish minimum standards for professional rangeland managers and provide a process for rangeland managers to demonstrate professional competency."¹ The Board's own "Guidance on the Certified Rangeland Manager Program" reflects a similar intent: "[CRM] professional certification is designed to distinguish and maintain a professional level of rangeland management expertise and provide continuing education and accreditation services to the profession."²

The CRM program, like all certified programs, exists to "fully protect[] the public interest." (Pub. Res. Code, § 772.) However, based on Rancho Guejito's experience, the CRM licensing program does not have the adequate structure, organization, or procedures to accomplish its overarching purpose—to protect the public interest. The lack of enforcement for standards of professionalism, conduct, and character, which are set forth by statute and regulation, constitutes a public safety risk to those citizens and residents of California who employ the services of CRMs.

Rancho Guejito has had an exceptionally troublesome (to put it mildly) experience with the Board's CRM licensing program and in particular with a Board-licensed CRM, against whom a Superior Court issued a three-year Workplace Violence Restraining Order. The Court held that there was clear and convincing evidence that the CRM had engaged in an unlawful act of violence and made credible threats of violence that would place a reasonable person in fear for his or her safety. Specifically, the Court found that the CRM had "demonstrated a history of alarming conduct, including making threats, gaining access to Rancho Guejito's property by deception, attempting to force his way into Rancho Guejito's office, disregarding directives to have no contact with Rancho Guejito personnel, changing e-mail addresses to avoid . . .

¹ California Code of Regulations, title 14, section 1661(c) ("Qualifications as a Certified Rangeland Manager may be achieved by submitting evidence of certification by the California Section of the Society for Range Management (CA-SRM) as a Certified Rangeland Manager pursuant to its "Program for Certification of Professional Rangeland Managers" (PCPRM) dated June 5, 1992 and amended on November 4, 1993.") [Enclosure 1].

² PFEC Policy No. 12, available at http://bofdata.fire.ca.gov/professional_foresters_registration/pfec_policy_statements/pfec_policy_statements/authorizedpolicy12010709.pdf.

electronic blocking of [his] unwanted emails, and confrontations with Rancho Guejito's security officers."³

When the Board-licensed CRM appealed the Superior Court's ruling, the Court of Appeal affirmed the restraining order against the Board-licensed CRM. The Court of Appeal found that "[t]he escalating nature of [CRM's] conduct, including his aggressive and combative interactions with Rancho Guejito security personnel after he had made threatening statements and continued to contact other employees, demonstrated a reasonable probability that [he] would continue to engage in this type of conduct, and would engage in additional threatening and violent behavior if not restrained from doing so."⁴

Rancho Guejito sought the Board's help—although without any significant or helpful result. Rancho Guejito's complaint was out-sourced to a private, third-party organization of which the offending CRM was formerly a director and officer—the California-Pacific Section of the Society for Range Management. This practice was apparently inconsistent with the disciplinary proceedings applicable to professional foresters, which are handled by the PFEC and not out-sourced to a private, third party organization consisting of the respondent's colleagues and friends. When the Cal-Pac CRM Panel deliberated over Rancho Guejito's complaint, they recognized that the CRM "could have handled this business better" and that they had "concerns over specific actions." Nevertheless, the Cal-Pac CRM Panel appeared primarily concerned with protecting the reputation of Cal-Pac instead of making a fair and unbiased recommendation as to potential discipline. The Cal-Pac CRM Panel acknowledged that they had "concerns over specific actions" and the CRM's behavior "reflects badly on CalPac,"—"but don't provide a letter because we [Cal-Pac CRM Panel] can't keep it confidential."⁵ (It should be needless to say that the reputation of a private, third party organization or the fact that a disciplinary action may not be confidential are not relevant considerations to whether discipline in a particular case involving a specific individual and his/her behavior is warranted.) Thereafter, the Board notified Rancho Guejito of this decision but without any meaningful or substantive explanation in a one-page summary denial.⁶ Rancho Guejito was forced to sue in state court in order to obtain documents and other information regarding what happened with its disciplinary complaint.

These highly negative experiences with the Board's CRM licensing program form the bases of the need to reform the CRM licensing and certification program to ensure protection of the public interest. Notably, the Range Management Advisory Committee recently opined that the Board should "Re-consider the role of Cal Pac SRM in certifying and disciplining CRMs. Having two organizations involved in the licensing of CRMs will lead to redundant and contradictory rules, unclear standards, and conflict over the authority of each." The PFEC, at its

³ Superior Court of California, San Diego County, *Decision After Evidentiary Hearing on Petition for Workplace Violence Restraining Orders*, Case No. 37-2012-51611 (Apr. 16, 2012) (available upon request).

⁴ *Rancho Guejito Corp.* (D062161, July 11, 2012) [Court of Appeal, Fourth Appellate District, Division One], available at https://scholar.google.com/scholar_case?case=3815114712306025893.

⁵ Minutes from April 16, 2014 meeting of the Cal-Pac CRM Panel [Enclosure 2].

⁶ Letter from Matt Dias, Executive Officer for Foresters Registration, Board of Forestry and Fire Protection, to H. Rupp, Chief Operating Officer and General Counsel, Rancho Guejito (June 19, 2014) [Enclosure 3].

April 4, 2018 meeting, appeared to agree that the CRM program should be brought into the fold of regulation generally applicable to professional foresters.

We agree that Cal-Pac SRM should not have any privileged or advisory role within the licensing or discipline for licensed CRMs. Cal-Pac does not possess any special experience, expertise, or training with regard to requirements for good moral character or reputation for honesty and integrity, and they do not have any special experience, expertise, or training regarding the process for investigating disciplinary complaints.⁷ Based on the experience with CRM disciplinary proceedings from 2013 to 2016—and in particular the CRM Panel's apparent prioritization of Cal-Pac's "reputation" over the protection of public safety—Rancho Guejito believes that Cal-Pac is fundamentally incapable of acting as a truly independent or qualified broker in the regulation of licensed CRMs. Further, we were informed by the PFEC at the April 4, 2018 meeting that disciplinary proceedings for professional foresters are not out-sourced to private, third-party organizations, nor are such organizations consulted or allowed to have a privileged role in disciplinary proceedings—and especially not private organizations in which the respondent used to run as an officer or director. Finally, because Section 763 requires that at least one of the members of the PFEC be a "certified specialist" (if available), any technical questions regarding the CRM specialty can and should be handled by the PFEC and the public process already provided for by existing statute and regulation, and not out-sourced to a private, third party organization to conduct in private without any oversight by, supervision of, or consideration of liability risk to the Board or PFEC. Accordingly, there is no reason to provide Cal-Pac with any privileged and advisory role in CRM licensing and discipline.

II. THE BOARD AND PFEC HAVE THE AUTHORITY TO CONSIDER REQUIREMENTS FOR GOOD MORAL CHARACTER WITHIN THE CONTEXT OF DISCIPLINARY PROCEEDINGS.

The Public Resources Code imposes a mandatory requirement for licensees under the Professional Foresters Law (Public Resources Code §§ 750 et seq.)⁸ to have "good moral character" and "good reputation for honesty and integrity." Section 778 sets forth some specific grounds for disciplinary action against a certificant and includes a broad catch-all provision that permits the Board to enforce good moral character requirements (or any other requirement of the Professional Foresters Law).

Section 778, subdivision (e), provides that a "certificant is subject to disciplinary action who: ... [f]ails in any material respect to comply with the provisions of this article." "This article"

⁷ In fact, the Cal-Pac CRM Panel's November 21, 2013 meeting, they conceded that because this was the "first complaint on CRM," it was a "new process." Clearly, Cal-Pac has no special expertise, experience, or training regarding potential discipline for licensed CRMs. We agree with the RMAC that the Board should "Re-consider the role of Cal Pac SRM in certifying and disciplining CRMs. Having two organizations involved in the licensing of CRMs will lead to redundant and contradictory rules, unclear standards, and conflict over the authority of each." Memorandum from A. Soares, Acting Chair, Range Management Advisory Committee, to O. van Emmerik, Chair, Professional Foresters Examining Committee, *Re: Certified Rangeland Manager Program Guideline Revisions* (Mar. 8, 2018).

⁸ All references to "Section" hereafter refer to the Public Resources Code provisions under the Professional Foresters Law.

prefers to the Professional Foresters Law, which spans Section 750 through 783 (inclusive) of the Public Resources Code. Section 769 provides that applicants "shall meet all of the following qualifications." Subdivision (a) of Section 769 provides that applicants "shall" "[b]e of good moral character and have a good reputation for honesty and integrity." Existing regulations under the Professional Foresters Law include a similarly broad enforcement provision. (Cal. Code Regs., title 14, § 1612.1(g) [certificant may be subject to discipline for "failure to materially comply with any provision of the Professional Foresters Law"].)

Given that Rancho Guejito's complaint was apparently the first disciplinary complaint against a licensed CRM, there is no precedential case law interpreting whether the standards for admission (to get a license) and the standards for discipline (to maintain a license), in the context of certified rangeland managers, should be different.⁹ However, an examination of the regulation of attorneys and attorney conduct is instructive and shows that the distinction between "admission" and "discipline" as they relate to character and conduct requirements is an immaterial distinction.

In *Hallinan v. Comm. of Bar Examiners* (1966) 65 Cal.2d 447, the Supreme Court examined the question of whether character standards for admission to the bar were materially different from standards for disbarment. The Supreme Court concluded that such a distinction was immaterial. (*Id.* at pp. 452-53.) The Supreme Court's reasoning was grounded in common sense. Justice Peters, writing for an en banc court, explained that "it may readily be seen that, insofar as the scope of inquiry is concerned, the distinction between admission and disciplinary proceedings is today more apparent than real." (*Id.* at p. 452, fn. omitted.) "Fundamentally, the question involved in both situations is the same -- is the applicant for admission or the attorney sought to be disciplined a fit and proper person to be permitted to practice law, and that usually turns upon whether he has committed or is likely to continue to commit acts of moral turpitude. At the time of oral argument the attorney for respondent frankly conceded that ***the test for admission and for discipline is and should be the same. We agree with this concession.***" (*Hallinan*, supra, 65 Cal.2d at p. 453 [emphasis added].)

Here, the inquiry is more straightforward than the inquiry in *Hallinan*. In *Hallinan*, the Supreme Court considered whether the "good moral character" standard for admission should be treated similarly to the "moral turpitude" standard for disbarment, and it found that the two standards were functionally identical. (*Hallinan*, supra, 65 Cal.2d at p. 452.) Section 778(e) of the Public Resources Code and Section 1612.1 of the California Code of Regulations expressly and broadly provide that a failure to comply in "any material respect" with the Professional Foresters Law "shall" subject the certificant to discipline. Section 769's requirements for good

⁹ The Superior Court's decision in Case No. 37-2014-00027683 is not binding on the Board. First, it is not a published decision of the Court of Appeal, and therefore may not be cited in any California court unless pursuant to narrow exceptions that do not apply here. (California Rule of Court 8.1115.) Second, the Superior Court did not address the question of whether the Board may consider good moral character requirements in the context of disciplinary proceedings; rather, the Court opined on, based on existing regulations, the Board *must* consider good moral character requirements in the context of disciplinary proceedings. As a policy matter, for the reasons set forth in Rancho Guejito's petition for rulemaking, the Board should exercise its discretion to ensure that good moral character requirements are considered in the context of disciplinary proceedings.

moral character and honesty and integrity are, by definition, included in a "provision" of the Professional Foresters Law.

In other words, because it would clearly be illegal for the Board to license an individual who lacked good moral character or a good reputation for honesty and integrity, there is no legal or policy reason that those standards be any different or relaxed for an individual to maintain licensing in a disciplinary proceeding. As noted, the Supreme Court addressed a nearly identical version of this question in *Hallinan* and answered that there is no material difference.

III. THE BOARD AND PFEC HAVE THE AUTHORITY TO CONSIDER REQUIREMENTS FOR GOOD MORAL CHARACTER WITHIN THE CONTEXT OF PERIODIC LICENSE RENEWAL.

It is undisputed that applicants for licensing under the Professional Foresters Law must demonstrate compliance with requirements for good moral character and reputation for honesty and integrity under Section 769. Accordingly, separate from the issue of whether such requirements should be considered in the context of disciplinary proceedings, the Professional Foresters Law clearly provides authority for such issues to be considered in the context of license renewals.

Section 773 provides that licenses are only valid for two-year periods. Section 774 provides that, "Issuance of a license may be denied if sufficient evidence is received by the board of the commission or doing by the applicant of any act which, if committed or done by a licensee, would be grounds for the suspension or revocation of his license." Finally (and notably) Section 769 makes no distinction between applicants for an "initial" license and an applicant for a "renewed" license. Because Section 773 provides for automatic expiration of licenses under the Professional Foresters Law, Section 769's requirements apply equally to "new" license applicants and "renewed" licensed applicants—in either case, the applicant is applying to the Board for an action on the applicant's prospective (i.e., looking forward) licensing by the Board.

IV. THE BASIC STRUCTURE AND PRACTICE FOR DISCIPLINARY INVESTIGATIONS AND PROCEEDINGS BEFORE THE STATE BAR PROVIDES A PRACTICAL AND WORKABLE MODEL FOR DISCIPLINARY INVESTIGATIONS AND PROCEEDINGS UNDER THE PROFESSIONAL FORESTERS LAW.

During the April, 4, 2018 PFEC meeting, there was some discussion as to the scope of confidentiality in disciplinary proceedings and specifically how discipline for licensed attorneys within California deals with these issues.

We submit that the Board would do well in emulating the disciplinary process for licensed attorneys.

As shown in Enclosure 4, the disciplinary process for licensed attorneys contains a number of features that would address the concerns raised by Rancho Guejito's petition for rulemaking.

For example, upon conclusion of an investigation, the State Bar's process provides for greater transparency than is afforded by the Board's existing processes. When a complaint is closed without formal disciplinary action, "The State Bar will send you a letter explaining why the complaint was closed." By contrast, the letter sent to Rancho Guejito did not contain any explanation for why the complaint was closed, but merely stated the conclusion that no further action would be taken. As a matter of policy, the Board should consider that greater public transparency during its disciplinary process would facilitate better oversight and supervision of the CRM program and may prevent avoidable litigation, as a complainant would not need to file a lawsuit to obtain information as to why a complaint was closed. The Board should adopt a process that provides for greater explanation of the Board's decision if it decides to close a complaint without referral to formal adjudicatory proceedings under the Administrative Procedure Act.

The State Bar's process also provides for better protection of the interests of the complainant, as well as protection for the respondent: "You may request a review of this decision, by writing to the Complaint Review Unit." By contrast, the Board's existing process does not provide for any appeal process for a complainant—such rights are provided only for respondents. Rancho Guejito attempted on several occasions to obtain administrative review of the decision on its complaint in lieu of a court lawsuit but did not receive any additional explanation or review of the decision. As noted above, greater public transparency during the disciplinary process would facilitate better oversight and supervision of the CRM program and may prevent avoidable litigation, as a complainant would not need to file a lawsuit to obtain a review and assurance that the decision on the complaint was made in a fair and reasonable manner. The Board should adopt a process that provides for a complainant to obtain administrative review of the Board's decision if it decides to close a complaint without referral to formal adjudicatory proceedings under the Administrative Procedure Act.

* * *

Rancho Guejito thanks you for your time and consideration in this matter and has appreciated the opportunity to participate in the rulemaking proceedings and deliberations before the PFEC so far this year.

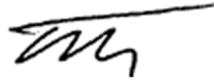
Rancho Guejito's interest in these rulemaking proceedings is to ensure that the Professional Foresters Law's stated purpose of protecting the public interest is respected in the regulations implementing the law. Requirements for good moral character and reputation for honesty and integrity can and need to be enforced in CRM licensing and discipline proceedings, and this process should be transparent and subject to adequate oversight and supervision. Accordingly, we have attached as Enclosure 5 proposed revisions to the existing Professional Foresters Law regulations at title 14 of the California Code of Regulations, which address the

LATHAM & WATKINS^{LLP}

concerns identified in Rancho Guejito's petition for rulemaking and the feedback expressed by the PFEC at meetings so far this year.¹⁰

If you have any questions or would like to discuss any aspect of this memorandum further, please contact me at taiga.takahashi@lw.com or at the contact information listed above.

Best regards,



Taiga Takahashi
of LATHAM & WATKINS LLP

Enclosures

cc: Katie Delbar, Board Member
Jeffrey Slaton, Deputy Attorney General
Matt Dias, Executive Officer
Dan Stapleton, Executive Officer for Licensing
Shuhani Patel, Assistant to the Executive Officer
William Thomas, Esq.
Hank Rupp, Rancho Guejito

¹⁰ Please note that Enclosure 5 does not address necessary conforming revisions to other sections of title 14 of the California Code of Regulations and other Board approvals that will be required to bring the CRM program into the fold of RPF regulations. For example, Articles 2 and 3 of Title 14, Chapter 10, of the California Code of Regulations will need to be revised to incorporate references to CRM-specific requirements, if different, for educational and other professional requirements (for example) for licensing. PFEC Policy No. 8 also needs to be revised or rescinded, as it currently purports to allow the Executive Officer to do away with an investigation, even though the investigation is a mandatory requirement under Section 775. Similarly, PFEC Policy No. 12 needs to be revised or rescinded, as it refers to "professional and ethical standards" for the CRM program, but these standards are undefined in regulation and therefore unenforceable. (See also Memorandum from A. Soares, Acting Chair, Range Management Advisory Committee, to O. van Emmerik, Chair, Professional Foresters Examining Committee, *Re: Certified Rangeland Manager Program Guideline Revisions* (Mar. 8, 2018) ["If CRMs are to be held to a code of conduct standard(s), they must be clear, enforceable, and adopted in the regulations. There are a number of references throughout the proposed regulations to a variety of different standards upheld by a number of organizations."].)

ENCLOSURE 1

[Home](#) [Table of Contents](#)**§ 1651. Certified Rangeland Management Specialty.**

14 CA ADC § 1651

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)

Title 14. Natural Resources

Division 1.5. Department of Forestry and Fire Protection

Chapter 10. Registration of Professional Foresters [FNA2]

Article 4. Miscellaneous

14 CCR § 1651

§ 1651. Certified Rangeland Management Specialty.

(a) A "Certified Rangeland Manager (CRM)" is a person who provides services pursuant to 14 California Code of Regulations (CCR) 1602, at the request of the landowner or hiring agent, relating to the application of scientific principles to the art and science of managing rangelands and range. A Certified Rangeland Manager shall perform professional services only in those subjects in which he or she is competent by training and experience.

(b) When a CRM is providing range management services related to the production of forage and livestock on forested landscapes, a RPF shall be consulted if there are potential impacts on related forest resources.

(c) Qualifications as a Certified Rangeland Manager may be achieved by submitting evidence of certification by the California Section of the Society for Range Management (CA-SRM) as a Certified Rangeland Manager pursuant to its "Program for Certification of Professional Rangeland Managers" (PCPRM) dated June 5, 1992 and amended on November 4, 1993.

Note: Authority cited: Sections 759 and 762, Public Resources Code. Reference: Sections 762 and 772, Public Resources Code.

HISTORY

1. New section filed 4-28-94; operative 5-30-94 (Register 94, No. 17).

This database is current through 3/23/18 Register 2018, No. 12

14 CCR § 1651, 14 CA ADC § 1651

END OF DOCUMENT

© 2018 Thomson Reuters. No claim to original U.S. Government Works.

California Section, Society for Range Management
Program for Certification of
Professional Rangeland Managers
(Valid through November 4, 1995)

(Approved by Board of Directors, November 4, 1993)

The California Section of the Society for Range Management (CA-SRM) seeks to promote and strengthen professional standards in all activities devoted to rangeland resources. The CA-SRM's professional certification program is designed to evaluate the education and professional experience of rangeland managers.

A professional rangeland manager applies scientific principles to the art and science of managing rangelands and range. Rangelands are lands supporting grass, shrub, and savanna vegetation types. Range is land grazed by livestock. This program of certification is a service provided by the CA-SRM for its members and others as a means for demonstrating the special expertise required to practice as a professional rangeland manager.

Certification constitutes recognition by the CA-SRM that, to its best knowledge, an applicant meets minimum educational, experience, and ethical standards adopted by the CA-SRM for professional rangeland managers. This program serves the unique needs for certification of professional rangeland managers in California and is not intended to compete with the Society for Range Management's certification of Range Management Consultants.

I. Purpose:

Ensure minimum standards for professional rangeland managers and provide a process for rangeland managers to demonstrate professional competency.

II. Certification categories:

Certificates will be issued in two categories.

- A. A Certified Rangeland Manager (CRM) meets the educational and experience requirements.
- B. An Associate Rangeland Manager (ARM) meets the educational requirements. This category is intended as a preliminary step towards full certification.

III. Requirements for eligibility:

A. Education:

- 1. Completion of a course of study in a college or university leading to a bachelor's or higher degree.

2. A degree in range management or completion of coursework including the following topics: rangeland ecology, rangeland plant physiology, rangeland animal management, rangeland policy and planning, and rangeland measurements.
3. Other combinations of education and experience may, at the discretion of the Certification Committee, be accepted as equivalent to requirements 1 and 2, above.
4. Completion of minimum educational requirements permit application for associate status.

B. Experience:

1. Five years of qualifying professional experience.
2. Qualifying experience begins after completion of minimum educational requirements.
3. All qualifying experience must be directly related to range and/or rangeland management and include demonstration of the application of rangeland management principles.
4. Qualifying experience is defined as those activities demonstrating professional competence in the science, art, and practice of managing and using for human benefit the natural resources that occur on and in association with rangeland and range, and more particularly classified as:

(a) rangeland vegetation management, which includes the management of vegetation composition and productivity, animal habitat, revegetation, and the control of undesirable plants.

(b) rangeland animal management, which includes the management of wild and domestic herbivores, including development of grazing systems, and practices for managing and controlling livestock on range.

(c) rangeland ecology, which includes the protection of natural vegetation, ecosystem restoration and rehabilitation, and research into ecosystem and landscape processes.

(d) rangeland policy and planning, which includes the development of rangeland and range management plans, and analysis and interpretation of laws and policies pertaining to rangeland and range management.

(e) rangeland measurements, which includes rangeland resource assessment and analysis of range condition.

(f) an understanding of economics as it relates to sustainable rangeland productivity.

5. Education towards a higher degree may be used towards meeting up to 2 years of experience.

C. References:

1. Three letters of reference by professional rangeland managers attesting to the applicant's qualifications.

D. Ethical and Continuing Education requirements:

1. All applicants must pledge to conduct their activities in accordance with the Code of Ethics of the Society for Range Management, quoted below.

"Each member will:

- i. foster an environment where all people are encouraged to participate in the Society and management and enjoyment of rangelands;

- ii. use her/his knowledge, skills, and training when appropriate to find ways to harmonize people's needs, demands, and actions with the maintenance and enhancement of natural and managed rangeland ecosystems;

- iii. promote competence in the field of range management by supporting high standards of education, employment, and performance;

- iv. manage or perform services consistent with the highest standards of quality, integrity, and with respect for the rangeland plant and animal resources, the employer, and the public; soil, water, air;

- v. disseminate information to promote understanding of, and appreciation for, values of rangelands to those with a direct involvement in range management, and to the general public as well;

- vi. offer professional advice only on those rangeland issues in which they are informed and qualified through professional training and experience;

- vii. in any communication, give full and proper credit to, and avoid misinterpretation of, the work, ideas, and achievements of others; and

- viii. encourage the use of sound biological information in management decisions."

2. The CRM learns about new developments in rangeland science and management through participation in professional society and continuing education

activities. The Panel on Certification shall request CRM's to document activities related to continuing education and maintaining currency in the professional discipline.

- E. Each applicant for CRM will be required to pass an examination to be conducted by the Certification Panel.

Evidence of eligibility will be furnished by the applicant as a completed application form and pertinent supporting documents. Certification does not constitute a guarantee by CA-SRM that the applicant meets any certain standard of competence or possesses any specific knowledge.

Requirements for certification, periodic renewal, and decertification may be changed upon majority vote of the Board of Directors, CA-SRM.

IV. Certification panel:

A certification panel will be established comprised of at least six members, chosen for equitable representation of the CA-SRM membership, representing a broad cross-section of employment and expertise. The panel shall determine the eligibility of all applicants and shall have authority to confer and renew certification as professional rangeland manager. The panel will have authority to review allegations of misconduct and take appropriate actions, including decertification.

Members of the panel will be appointed to staggered three-year terms by the Board of Directors of the CA-SRM.

V. Schedule of Fees:

A. Application fees shall be:

1. Certified rangeland manager: \$50.00 for members of the California Section, \$100.00 for non-members.
2. Associate rangeland manager: \$25.00 for members of the California Section, \$50.00 for non-members.
Application fee for change of status from ARM to CRM: \$25.00 for Section member, \$50.00 for non-member.

- B. Fee schedules are subject to change by recommendation of the Panel on Certification and approval of the Section Board of Directors.

VI. Appeals:

Appeals of certification denial may be made through the Panel on Certification for review by the Section Board of Directors. The Board may review actions by the panel upon request from any

applicant for certification.

VII. Violations of professional standards:

- A. A charge of misconduct against an Associate or Certified Rangeland Manager may be filed by transmitting to any member of the Panel on Certification a sealed statement of the charge. Such a statement must be accompanied by an affidavit of the complainant setting forth the allegations on which the charge is based, including dates, and the specific conduct involved. Copies of the charge, affidavit, and supporting documentation shall be transmitted to the members of the Panel on Certification. The Panel shall review the charge and within 20 days of receipt of the charges determine, by majority vote if necessary, if further inquiry is warranted.
- B. If the panel determines that further inquiry is warranted, the Chair of the Certification Panel shall notify the ARM or CRM of the specific charge by forwarding copies of the charge, affidavit, and all supporting documentation and request a written response from the ARM/CRM be filed with the Certification Panel within 30 days.
- C. Upon receipt of the ARM or CRM's response the Panel on Certification shall review the evidence and make a recommendation. The recommendation will be forwarded to the Board of Directors of the California Section of the Society for Range Management who will then make a final decision.
- D. Failure to respond to a complaint without written explanation shall be deemed admission of misconduct.
- E. Appeals of decisions may be made within 30 days of notification of action by notifying the Chair of Panel on Certification. Upon appeal the complainant and the ARM/CRM will be permitted to supply any additional information in support of the action. These materials will be reviewed by the Panel on Certification which will again make a recommendation to the Board of Directors. The Board will reconsider the evidence and, on an appeal, the complainants and the ARM/CRM will have the right to appear in person before the Board of Directors. The Board of Directors will then issue a final ruling.
- F. Disciplinary actions that may be taken by the Board of Directors, upon recommendation from the Panel on Certification against a ARM or CRM found incompetent or in violation of the code of ethics, include censure, suspension of certification for a specified time, or revocation of certification.

ENCLOSURE 2

JB
John Harper
Jon Gustafson
4-16-14

Larry Forero
Garry Harht
Tom Sullivan
Marc Horney

Larry Ford (personal notes)

CRM Panel Meeting

No convers./corresp. w/ CRM [redacted] to dis close!
Ford to take minutes

JB takes over discussion

Reviews elements of complaint

- background on [redacted]'s work for ranch

- changed ownership

- fire

- contentious political + economic enviro.

- formal complaint

- Panel^{in Nov. 2013} delayed further discussion until we ~~had~~ received response from [redacted]

- 3 pieces of complaint as summarized by Matt D.

2 decision options

- Dismiss, insufficient evidence

- Merit in 'complaint, should be pursued further

Now we have both sides - is further investigation warranted?

When does CRM license apply? only when under contract and ^{Sec 1621 Specifics DAG memo}

- only forested rangeland - yes

- only under contract - when dismissed, no longer applies

- is this a civil matter?

[redacted] could have handled this business better.

reflects on
back on
Caltac

This should be handled in court

Too much uncertainty and unverifiable - too much nuance

No strong evidence he violated the Code of Ethics

CRM is about technical work, techn. expertise

- these aren't part of complaint

Concerns over specific actions - but don't provide a letter because we can't keep it confidential

Motion — J. Harper Second Sullins

Panel believes this to be a civil matter

Based on forested landscape + contractual work, this issue is not a matter for Panel to comment on.

- don't have legal authority to recommend

" The panel ^{has} reviewed the laws, regs, + evidence and recommends no further ~~investigation~~ / ~~action is warranted~~ "

John Harper yes

J Gustafson yes

L Forero yes

Garry M. yes

Tim S. yes

Larry Ford yes

Marell off phone

unanimous

★ For future CalPae meeting — panel on proper business procedures + ethics

Bad case for Panel to take time

ENCLOSURE 3

**BOARD OF FORESTRY AND FIRE PROTECTION
PROFESSIONAL FORESTERS REGISTRATION**

P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: www.bof.fire.ca.gov/licensing/licensing_main.html
(916) 653-8031

**CONFIDENTIAL**

June 19, 2014

Hank Rupp
Chief Operating Officer and General Counsel
Rancho Guejito Corporation
17224 San Pasqual Valley Road
Escondido, Ca. 92027

Dear Mr. Rupp:

The California-Pacific Section of the Society for Range Management Certification Panel (Panel) and the Professional Foresters Examining Committee (PFEC) of the State Board of Forestry and Fire Protection (Board) have reviewed your complaint, received on October 30th, 2013, against Mr. [REDACTED], CRM # [REDACTED]. It has been determined that the allegations of failure of professional responsibility pursuant to PRC 750 – 783 *et seq.*, including deceit, fraud, and misrepresentation are not sustained. This determination was made based on thorough evaluation of abundant documentation provided to both Panel and the PFEC.

This concludes the Board's review of this complaint. The complaint and all matters pertaining to it will remain confidential. Should you have questions or concerns regarding this correspondence, I may be reached at 916-653-8031 or by email to matt.dias@bof.ca.gov.

Sincerely,

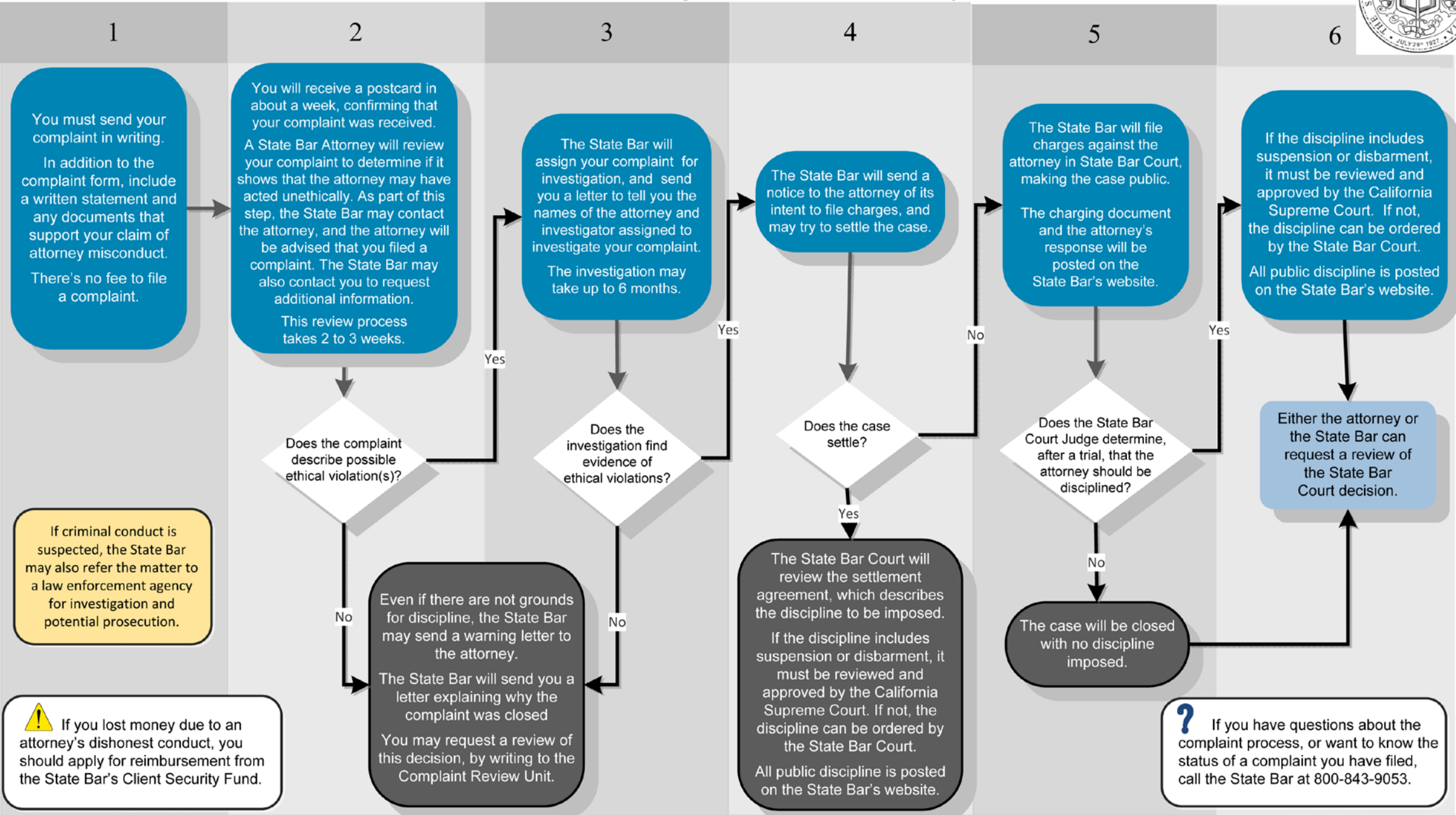
Matt Dias, RPF No. 2773
Executive Officer, Foresters Registration
matt.dias@bof.ca.gov
916.653.8031

Cc: Robert M. Howard
Latham & Watkins LLP
600 West Broadway, Suite 600
San Diego, Ca. 92101-3375

ENCLOSURE 4



What Happens When I File a Complaint Against an Attorney?



ENCLOSURE 5

1 **1607. Issuance, Expiration and Renewal of Licenses and**
2 **Certificates.**

3 (a) Professional Foresters Licenses and Specialty
4 Certificate shall be renewed on alternating years with odd-
5 numbered licenses and certificates expiring on July 1 of
6 odd-numbered years and even-numbered licenses and
7 certificates expiring on July 1 of even-numbered years,
8 upon payment of applicable fees and demonstration of
9 compliance with licensing requirements as set forth in
10 Public Resources Code, section 769, and California Code of
11 Regulations, title 14, section 1629.

12 (b) Newly issued Professional Foresters Licenses and
13 Specialty Certificates shall be valid, on payment of the
14 appropriate fee, from the date of issuance to July 1 of
15 odd-numbered years for odd-numbered licenses and
16 certificates and July 1 of even-numbered years for even-
17 numbered licenses and certificates. The appropriate fee for
18 a newly issued license or certificates shall be based on
19 proration of the annual rate for the license as provided in
20 §1605(b)(2) or certificates as provided in §1605(b)(4)
21 against the term of the newly issued license or
22 certificate. Individuals reinstating their license or
23 certificate from withdrawal shall pay the full renewal fee
24 regardless of the actual length of time remaining in the
25 applicable two year renewal cycle.

26 (c) Licenses and specialty certificates are not valid
27 unless fees are paid prior to the expiration date. Written
28 notification of delinquency shall be mailed no later than

1 September 1 to those persons whose license or specialty
2 certificate(s) expired. Individuals have sixty (60) days
3 from the date of mailing the delinquency notice to
4 reinstate the license or certificate by paying renewal fees
5 and penalties, after which the Board shall revoke the
6 license or certificate. By paying all renewal fees and
7 penalties, within one year of the renewal date, the
8 individual may reinstate a license or certificate(s)
9 revoked because of delinquency.

10
11 **1612. Discipline.**

12 The committee may, upon its own motion, and shall upon motion of
13 the Board or upon the verified complaint in writing of any
14 person, cause investigation to be made, by a qualified or
15 licensed and independent investigator, of the actions of any
16 person licensed as a professional forester or specialty
17 certificant. The committee shall make recommendations to the
18 Board for any action provided by law.

19
20 **1612.1 Disciplinary Guidelines.**

21 The Board establishes these guidelines to ensure that
22 consequences in any disciplinary action of a Registered
23 Professional Forester or specialty certificant are known, and to
24 facilitate uniformity of process and penalties. While
25 recognizing that Administrative Law Judges or other appropriate
26 decision-makers must be free to exercise their discretion
27 appropriately in a particular case, the Board desires that these
28 guidelines be followed to the extent possible, and that the

Board's decisions pursuant to these guidelines, including any departures therefrom be noted and explained in the proposed decision. The Board further desires that matters in extenuation and mitigation, as well as those in aggravation, be fully considered and noted in the proposed decision. The primary importance is the adverse effect the Registered Professional Forester's or specialty certificant's actions had, or will continue to have, on the protection of the public interest.

(a) If convicted of a felony as defined in Section 778(a) and governed by Section 778.5, Public Resources Code, ranges of disciplinary action for conviction(s) are:
Maximum: Revocation of the license.

Minimum: Revocation stayed for 2 years on the following conditions:

(1) Actual suspension for 1 year.

(2) The respondent shall obey all laws and regulations related to the practice of forestry.

(b) If found guilty of fraud, deceit, or gross negligence in his or her practice, governed by Public Resources Code, Section 778(b), the ranges of disciplinary action for the violation(s) are:

Maximum: Revocation of the license.

Minimum: 6 months suspension stayed for 1 year on the following conditions:

(1) Actual suspension for 60 days.

(2) Within one year of the effective date of the Board's decision, the respondent shall successfully complete a training program, approved in advance by

1 the Board as being specifically related to the area(s)
2 of professional failure.

3 (3) Respondent must practice, for up to one year, with
4 the review of work products by a Registered
5 Professional Forester, or other specialty
6 certificant~~ist~~, as approved by the Board.

7 (4) The respondent shall obey all laws and regulations
8 related to the practice of forestry.

9 (c) If found guilty of misrepresentation or material
10 misstatement of fact in his or her practice, governed by
11 Public Resources Code, Section 778(b), the ranges of
12 disciplinary action for the violation(s) are:

13 Maximum: Revocation of the license.

14 Minimum: 90 days suspension stayed for 1 year with 15 days
15 actual suspension, and one or more of the following:

16 (1) Within one year of the effective date of the
17 Board's decision, the respondent shall successfully
18 complete a training program, approved in advance by
19 the Board as being specifically related to the area(s)
20 of professional failure.

21 (2) Respondent must practice, for up to one year, with
22 review of work products by a Registered Professional
23 Forester or specialty certificant, as applicable, as
24 approved by the Board.

25 (3) The respondent shall obey all laws and regulations
26 related to the practice of forestry.

1 (d) If found guilty of incompetence governed by Section
2 778(b), Public Resources Code, in his or her practice, the
3 ranges of disciplinary action for violation(s) are:

4 Maximum: Revocation of the license.

5 Minimum: Revocation stayed up to 3 years with license
6 suspension until the completion of all of the following
7 conditions:

8 (1) The respondent shall successfully complete a
9 training program, approved in advance by the Board,
10 specifically related to the area of incompetency, and

11 (2) The respondent shall take and be notified of
12 passing the Registered Professional Foresters
13 examination, and

14 (3) Respondent must work, at least six months full
15 time equivalent, under the supervision of a Registered
16 Professional Forester, with review of work products,
17 as approved by the Board.

18 (4) The Respondent shall obey all laws and regulations
19 related to the practice of forestry.

20 (e) If found guilty of fraud or deceit in obtaining a
21 license, governed by Section 778(c), Public Resources Code,
22 the ranges of disciplinary action for violation(s) are:

23 Recommended Action: Revocation of license.

24 (f) If found guilty of aiding or abetting a violation of,
25 or material failure to comply with the provisions of the
26 Professional Foresters Law, governed by Section 778(d) and

27 (e) and including but not necessarily limited to violation
28 of requirements for licensing set forth in Section 769,

Public Resources Code, the ranges for disciplinary action for violation(s) are:

Maximum: Revocation of the license

Minimum: 15 days actual suspension

(g) If found guilty of failure to materially comply with any provision of the Professional Foresters Law, the Board may issue a private reprimand when the respondent commits a failure of responsibility which warrants a level of discipline lesser than suspension. If the evidence is insufficient to support a private reprimand or an accusation, the executive officer may send a confidential letter expressing the committee's concerns. If there are insufficient grounds for discipline, the executive officer shall send a letter of exoneration to the respondent.

(h) In any of the above actions, the respondent shall submit such special reports as the Board may require. Said reports shall be designed to provide information as to those facets of his/her work which resulted in the disciplinary action.

(i) The petitioner in a complaint submitted under Public Resources Code section 775 and/or under California Code of Regulations, title 14, section 1612, may appeal the decision to close a complaint without an adjudicatory proceeding under the Administrative Procedure Act, Government Code sections 11370 et seq., by following the procedure set forth in California Code of Regulations, title 14, section 1647.

1 (j) In disciplinary proceedings under this title, any
2 member of the Board, PFEC, or their designees, as
3 applicable, who receives an ex parte communication from
4 either the complainant or the subject of the complaint
5 shall disclose the date, time, participants, and general
6 nature of the communication (including any documents) to
7 the other party within 10 days after the communication
8 occurs. For purposes of this section, "ex parte
9 communication" shall have the same meaning as that provided
10 in Public Resources Code section 30322, except references
11 to the "commission" shall refer to the Board, PFEC, or
12 their designees. Failure to comply with this disclosure
13 requirement shall result in the recusal of the affected
14 member of the Board, PFEC, or their designees from further
15 participation in the disciplinary process.

16
17 **1612.2. Notification of Disciplinary Action.**

18 (a) Conditions of staying an order which suspends or
19 revokes a license on any of the grounds for disciplinary
20 action specified in Section 778, Public Resources Code,
21 shall require:

22 (1) Respondent to submit to the Board, not later than
23 thirty (30) days after the decision becomes effective,
24 a complete list of all business and/or client names,
25 addresses, and phone numbers with whom a current
26 contractual or employment relationships exists.

27 Furthermore, respondent shall notify the Board within
28 ten (10) days of any new contractual or employment

relationships over the duration of the stayed order.
This information may be used to aid the Board in
monitoring the performance of respondent over the
period of the stayed order.

(2) Board to notify each business and/or client name
submitted, or at its option require respondent to
notify with Board approved language and proof of
notification, of the offense(s), findings and
discipline imposed.

(b) The Board shall provide public notice of disciplinary
actions. The Board shall comply with the following
standards when providing public notice:

(1) When the RPF or specialty certificant is
exonerated or when a complaint submitted under Public
Resources Code section 775 and/or under California
Code of Regulations, title 14, section 1612, is closed
without an adjudicatory proceeding under the
Administrative Procedure Act, Government Code sections
11370 et seq., and a PFEC Letter of Concern or Private
Board Reprimand is not issued, their name and license
number ~~and the specifics of the cases~~ will not be made
public in "Licensing News". A summary of the case will
be noticed in "Licensing News", and will include the
following:

(A) Case number.

(B) Allegation: citing possible cause(s) of
action under 14 CCR §1612.1.

1 (C) Authority: citations of applicable statutory
2 and regulatory sections.

3 (D) Action: announcement of the exoneration and a
4 general summary of the facts of the case, along
5 with the reasons for the Board's decision
6 explaining in detail why the complaint was closed
7 and/or why exoneration was warranted. The
8 notification shall also disclose that the members
9 of the PFEC or Board considered the potential for
10 conflict of interest or bias and whether any
11 members of the PFEC or Board recused themselves
12 accordingly.

13 (2) When disciplinary action results in the issuance
14 of a PFEC Letter of Concern or Private Board
15 Reprimand, the name of the RPF or specialty
16 certificant and specifies of the case and license
17 number will not be made public in "Licensing News";
18 however, the fact of issuance of a PFEC Letter of
19 Concern or Private Board Reprimand shall be available
20 upon a request under the Public Records Act,
21 Government Code sections 6250 et seq., for records
22 relating to the specific individual and to the
23 petitioner in the complaint initiating the
24 disciplinary decision. A summary of the case will be
25 noticed in "Licensing News", and will include the
26 following:

27 (A) Case number.
28

1 (B) Allegation: citing possible cause(s) of
2 action under 14 CCR §1612.1.

3 (C) Authority: citations of applicable statutory
4 and regulatory sections.

5 (D) Action: announcement of the disciplinary
6 action taken and a general summary of the facts
7 of the case, along with the reasons for the
8 Board's decision explaining in detail why the
9 PFEC Letter of Concern or Private Board Reprimand
10 was issued. The notification shall also disclose
11 that the members of the PFEC or Board considered
12 the potential for conflict of interest or bias
13 and whether any members of the PFEC or Board
14 recused themselves accordingly.

15 (3) When disciplinary action results in license
16 suspension or revocation, the name of the RPF or
17 specialty certificant and the specifics of the case
18 will be made public. A summary of the case will be
19 noticed in the "Daily Recorder", "Licensing News", the
20 meeting minutes of the Board, and announced in open
21 session of the Board meeting at which the discipline
22 was approved. These notices will include the
23 following:

24 (A) Case number.

25 (B) RPF or specialty certificant name and license
26 number.

27 (C) City of business at the time of notice.
28

1 (D) Allegation: citing possible cause(s) of
2 action under 14 CCR §1612.1.

3 (E) Authority: citations of applicable statutory
4 and regulatory sections.

5 (F) Action: announcement of the disciplinary
6 action taken and a specific summary of the facts
7 of the case, along with the reasons for the
8 Board's decision. The notification shall also
9 disclose that the members of the PFEC or Board
10 considered the potential for conflict of interest
11 or bias and whether any members of the PFEC or
12 Board recused themselves accordingly.

13 (4) The information summarized in "Licensing News"
14 under (b) (1), (b) (2), and (b) (3) above shall be
15 available upon request to the public.

16 (c) The Board may provide notice to the news media of
17 disciplinary actions. The Board shall comply with the
18 following standards when providing notice to the media.

19 (1) Media releases shall occur in all instances when
20 disciplinary action results in the following:

21 (A) Suspension or revocation based on any of the
22 following cause(s):

23 (i) conviction of a felony as defined in
24 Section 778(a) and governed by Section 778.5
25 of the Public Resources Code.

26 (ii) fraud.

27 (iii) deceit.

28 (iv) gross negligence.

1 (v) incompetence.

2 (B) The PFEC has recommended revocation or a
3 suspension greater than 30 days for any cause
4 under 14 CCR §1612.1.

5 (2) The media release shall be approved by the by the
6 Board, and shall contain all information cited in
7 subsection (b) (3).

8 (3) The media release shall be submitted to a
9 newspaper of general circulation in the county(ies)
10 where the infraction(s) occurred.

11
12 **1614. Criteria for Rehabilitation.**

13 When considering the specified conditions of denial or
14 reinstatement from suspension or revocation of a license, the
15 board, in evaluating the rehabilitation of the applicant and
16 present eligibility for a license will consider the following
17 criteria:

18 (a) The nature and severity of the act(s) or crime(s) under
19 consideration as grounds for denial or reinstatement.

20 (b) Evidence of any act(s) committed subsequent to the
21 act(s) or crime(s) under consideration for grounds for
22 denial or reinstatement which also could be considered as
23 grounds for denial or reinstatement.

24 (c) The time that had lapsed since the commission of the
25 act(s) or crime(s).

26 (d) The extent to which the applicant or licensee has
27 complied with any terms of parole, probation, restitution,
28

1 or any other sanctions lawfully imposed against the
2 applicant.

3 (e) Evidence, if any, of rehabilitation submitted by the
4 applicant or the individual(s) making the initial complaint
5 that initiated the disciplinary action, who shall be
6 notified of the opportunity to and permitted to submit such
7 evidence before the board's consideration of rehabilitation
8 under this section.

9
10 **1620.1. Professional and Personal References.**

11 An applicant shall include in the application for registration
12 the names and addresses of two qualified foresters or licensed
13 specialty certificants, as applicable, as references, who are
14 familiar with the professional work and three responsible
15 members of the community who are not foresters or licensed
16 specialty certificants, as applicable, who ~~can~~ attest to the
17 character and business integrity of the applicant. Such
18 references may be consulted by the examining committee regarding
19 the qualifications of the applicant.

20
21 **Article 2.5. Applications for Registration Without Examination.**

22 **1629. Applications for License Renewal**

23 An applicant for license renewal shall demonstrate that he or
24 she meets all requirements for initial licensing as set forth in
25 Public Resources Code section 769, except that such applicant
26 may not be required to re-take the qualification examination
27 except upon a showing of good cause, before such license may be
28 renewed. An applicant for license renewal may rely on his or her

initial application for licensing to demonstrate compliance with Public Resources Code, section 769, subdivision (a) or (b); however, the Board or its designee shall consider any other information available to the Board when determining whether an applicant for license renewal continues to comply with the requirements set forth in Public Resources Code, section 769, subdivision (a).

Article 3. Examinations

1647. Appeal Procedure.

Within thirty (30) days of mailing or personal service notice, any real party of interest or petitioner, as applicable, may appeal the actions of the Committee or Executive Officer to the Board for a review, including but not necessarily limited to review provided in accordance with Section 765 of the Code. The appeal for review shall be made in writing, stating the reason therefore and citing the items against which the appeal is made. The Board's Executive Officer shall conduct a review thereon, and provide to the applicant the reasons for the decision along with a Notice of Defense form as required by Government Code 11506 if applicable. If pertaining to an appeal regarding an applicant for a license who contends that he or she has been aggrieved by any action taken by the examining committee with respect to his or her qualifications, ~~T~~the person may, by completing and returning the form, further contest the results of the Board's executive officer review at a hearing with an Administrative Law Judge to assist the Board in its final determination in accordance with Chapter 5 of Part 1, Division

1 3, Title 2 of the Government Code, commencing with Section
2 11500. If pertaining to an appeal regarding the closure of a
3 complaint submitted under Public Resources Code section 775
4 without the initiation of an adjudicatory proceeding under the
5 Administrative Procedure Act, Government Code sections 11370 et
6 seq., the Board's executive officer review decision under this
7 section shall constitute the Final Action and shall be supported
8 by substantial evidence; and upon the Board's notice of Final
9 Action, the complainant and subject of the complaint may pursue
10 any available remedy under the law including but not necessarily
11 limited to filing a petition for writ of mandate under the Code
12 of Civil Procedure, within 60 days of the date of receipt of the
13 Board's Final Action.

14
15 **Article 4. Miscellaneous.**

16 **1650. Specialties.**

17 (a) As an alternative to being registered as a RPF, any
18 person qualified pursuant to this Article is eligible for
19 certification in a specialty. Both RPFs and non-RPFs are
20 eligible for certification in a specialty. Only a person
21 registered as a Certified Specialist may use this title of
22 that specialty.

23 A certificate in each specialty created will be issued by
24 the Board pursuant to the standards contained in Section
25 772 of the Code. Specialties will be created by regulation
26 as the need arises.

27 (b) To protect the public interest, the following certified
28 specialties shall be implemented and overseen by the

1 Executive Officer, with the assistance of the Examining
2 Committee:

3 (1) Certified Rangeland Management Specialty

4 (c) For independent certification programs submitted by a
5 ~~professional society or~~ public agency pursuant to Section
6 772 of the Code, the following process shall apply:

7 (1) When a ~~professional society or~~ public agency
8 establishes an internal certification panel for any or
9 all of the following purposes: reviewing an
10 applicant's qualifications, administering an
11 examination to evaluate an applicant's professional
12 understanding, awarding certifications, reviewing
13 allegations of misconduct, and administering
14 discipline; the panel members shall have first been
15 certified by the Board as meeting the professional
16 qualifications and standards for that Certified
17 Specialty before undertaking their responsibilities
18 pursuant to this Section. The certification of the
19 panel members may be done by a subcommittee of the
20 PFEC appointed by the Board and composed of resource
21 professionals in good standing representing a broad
22 cross section of employment and expertise in that
23 specialty. All subsequent panel members shall also be
24 certified in this manner.

25 (2) The PFEC shall be notified by the appropriate
26 ~~society or~~ public agency, if not the Board, of any
27 Certified Specialist ~~who is guilty of violations of~~
28 ~~professional standards and~~ against whom issued

1 disciplinary action is taken e-by the public
2 agencypursuant to the respective certification
3 program. The Certified Specialists shall be subject to
4 disciplinary actions under the Professional Foresters
5 Law due to a disciplinary action taken by the public
6 agency. ~~by the Board as defined in this chapter for~~
7 ~~violation of those standards, or for violation of~~
8 ~~those standards promulgated by the Board pursuant to~~
9 ~~Section 778 of the Code.~~

10 (3) The PFEC shall be notified of any proposed actions
11 to be taken by a ~~professional society or~~ public agency
12 which may affect the specialty certification program
13 of the ~~society or~~ public agency, including but not
14 limited to modification of the requirements for
15 certification or professional accountability. Any
16 modification to a specialty certification program must
17 be approved by the PFEC prior to implementation or the
18 program may be rejected by the Board. The
19 modifications shall not significantly alter the
20 qualifications and accountability within the original
21 certification.

22 (4) Each Prior to March 1 of each calendar year, the
23 PFEC shall conduct a review of the certification
24 program at a noticed public hearing ~~those Professional~~
25 ~~Societies and public agencies with independent~~
26 ~~certification programs shall submit to the PFEC a~~
27 ~~report which describes the previous calendar year~~
28 ~~accomplishments of the certification program,~~

~~including but not limited to the number of applicants for certification, the approvals, denials, copies of examinations, and a summary of disciplinary actions,~~
to insure the program fully protects the public interest. This review ~~Failure to submit the report may result in a full review which~~ may result in the rejection of the Certification program by the Board.

(d) All Certified Specialists are subject to annual registration and fees for renewal of Specialty Certificates pursuant to 14 CCR, Sections 1605 and 1607.

1651. Certified Rangeland Management Specialty.

(a) A "Certified Rangeland Manager (CRM)" is a person who provides services pursuant to 14 California Code of Regulations (CCR) 1602, at the request of the landowner or hiring agent, relating to the application of scientific principles to the art and science of managing rangelands and range as defined in the California Code of Regulations, title 14, section 1561.1, and Public Resources Code, section 4789.2. A Certified Rangeland Manager shall perform professional services only in those subjects in which he or she is competent by training and experience.

(b) When a CRM is providing range management services related to the production of forage and livestock on forested landscapes, a RPF shall be consulted if there are potential impacts on related forest resources.

(c) Qualifications as a Certified Rangeland Manager may be achieved as set forth by Article 2 of this title.~~by~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~submitting evidence of certification by the California
Section of the Society for Range Management (CA-SRM) as a
Certified Rangeland Manager pursuant to its "Program for
Certification of Professional Rangeland Managers" (PCPRM)
dated June 5, 1992 and amended on November 4, 1993.~~